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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,844	07/30/2003	Matthew Murray Williamson	1509-434	6141

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LOWE HAUPTMAN GILMAN AND BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300 /310
ALEXANDRIA, VA 22314

EXAMINER

GARY, ERIKA A

ART UNIT PAPER NUMBER

2681

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,844

Applicant(s)

WILLIAMSON ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/30/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/18/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because figures 1 and 2 show boxes only with reference numerals. The boxes should also include corresponding text. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 19 and 22 are objected to because of the following informalities: both claims refer back to two claims each and should only refer to one. Appropriate correction is required.

Specification

3. The abstract of the disclosure is objected to because the text on line 15 should be deleted. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Mashinsky et al., US Patent Application Publication Number 2003/0050070 (hereinafter Mashinsky).

Regarding claims 1, 13, 17, 18, 20, and 21, Mashinsky discloses a method and system of monitoring frequency availability for a telecommunications network including: establishing details of frequency spectrum usage in a database, said details to include one or more of time of use, frequency and geographic area of use; and providing query

means for the database, to allow the contents of the database to be queried [abstract; paragraphs 0014, 0039, 0059].

Regarding claim 2, Mashinsky discloses the details of the spectrum usage additionally include one or more of ownership details of a particular part of the spectrum, license-holder details of a particular part of the spectrum, planning rules relating to a particular part of the spectrum, a price or prices relating to a particular part of the spectrum [paragraph 0059].

Regarding claim 3, Mashinsky discloses said particular part of the spectrum is a part by frequency, a part by geographic area and/or a part by time of use [paragraph 0090].

Regarding claim 4, Mashinsky discloses the database is a relational database [paragraph 0059].

Regarding claim 5, Mashinsky discloses the database is updated by means of a website interface [paragraph 0085].

Regarding claim 6, Mashinsky discloses the query means comprises a user interface, which is operable to allow a user to enter search terms relating to frequency availability [paragraph 0061].

Regarding claim 7, Mashinsky discloses the query means is operable to return details of spectrum availability based on the search terms entered [paragraph 0041, 0044].

Regarding claim 8, Mashinsky discloses re-utilizing frequency availability [paragraph 0056].

Regarding claim 9, Mashinsky discloses the frequency availability is resold [paragraph 0056].

Regarding claim 10, Mashinsky discloses the database is run and availability resold by a party independent to one or more frequency owners/license holders [paragraph 0056].

Regarding claim 11, Mashinsky discloses enforcing spectrum usage, whereby the use of resold frequency availability is monitored [paragraph 0056].

Regarding claim 12, Mashinsky discloses the details of spectrum usage are entered as details of frequency in use or as details of frequency not in use [paragraph 0041].

Regarding claim 14, Mashinsky discloses spectrum purchasing means [paragraph 0056].

Regarding claim 15, Mashinsky discloses frequency usage monitoring means [paragraph 0041].

Regarding claim 16, Mashinsky discloses a computer program operable to perform the method [paragraphs 0059-0061].

Regarding claim 19, Mashinsky discloses a database is consulted [paragraph 0059].

Regarding claim 22, Mashinsky discloses information concerning frequency availability is obtained from the database [paragraphs 0056, 0059].

Conclusion

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reece et al., US Patent Number 5,915,214, disclose a mobile communication service provider selection system.

Carlborg et al., US Patent Application Publication Number 2003/0078050, disclose a method and apparatus for allocating air interface resources.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EAG

May 2, 2005


ERIKA A. GARTY
PRIMARY EXAMINER